



Zoning Administrator

NOTICE OF DECISION

On PCC-13-020

**Jesus Jauregui, Eastlake Bombers Baseball/Softball Academy
821 Kuhn Drive, Suite 109, Chula Vista, Ca.**

Notice is hereby given that the Zoning Administrator has considered a request by Jesus Jauregui for approval of a Conditional Use Permit to establish the Eastlake Bombers baseball and softball training academy and educational facility for minors, including hitting and pitching classes, located within an existing 3,356 square foot, two-story suite in a multi-tenant industrial building complex. The Project includes use of 5 parking spaces in the existing parking lot. The project site is located in the Eastlake Business Center at 821 Kuhn Drive, Suite 109 in Chula Vista, Ca. The site has a Zoning designation (Planned Community District Regulation) of Business Center-2 of the Eastlake Business Center SPA and a General Plan Designation of Limited Industrial (IL).

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 and Section IV.1 (J) of the Eastlake Business Center SPA, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080, as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed facility is a baseball and softball academy that will provide baseball and softball training and administrative support facilities in a location that is conveniently located near existing residential neighborhoods, schools, parks and little league facilities, and thus will provide a significant benefit to the community, including baseball and softball players and their families.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The site is located in a suite in a multi-tenant office/industrial complex, and there are no residential uses in close proximity to the site. The proposed use includes 3

employees and classes of up to 10 persons during weekdays Monday through Friday between 10 am – 12 pm, weekday afternoons between 3 pm - 9pm, and Saturdays 10 am - 4 pm, and closed Sundays. The project will be compatible with the surrounding neighborhood as a result of conditions of approval of the project discussed below. First, the proposed use and its activities will be conducted completely indoors, six days a week during the daytime, afternoons, and evenings. Second, the site has exclusive use of 5 on-site parking spaces provided by the property owner that will provide parking for employees and students, which is the amount of parking required by the zoning to serve the proposed project, including one class of up to 10 persons and 3 employees. Finally, the suite will be designed to comply with applicable building and fire codes, and will be required to operate in compliance with CVMC Chapter 19.66 regarding Performance Standards and Noise Control. These conditions of approval would ensure that the operation of the business will be compatible with, and minimize any potential adverse impacts to the adjacent businesses and residences. For these reasons, the proposed use will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

3. That the use will comply with the regulations and conditions specified in the code for such use.

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Municipal Code for uses established under PCC-13-020.

4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The Project proposes a baseball/softball academy that will provide training for baseball and softball players and their families in the community. The Project proposes a temporary use within an existing building that will operate for a period of 5 years, until long-term permanent space is available. Temporary uses are permitted upon approval of a Conditional Use Permit in the Business Center - 2 Land Use District of the Eastlake Business Center SPA. Therefore, the use is consistent with and will not alter the land use patterns or in any way adversely affect the implementation of the General Plan.

This use, in conformance with the Business Center-2 zoning designation (Planned Community District Regulation) of the Eastlake Business Center SPA, which is intended to implement the Limited Industrial designation of the General Plan. Therefore, the use is consistent with and will not alter the land use patterns or in any way adversely effect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-020 as described above subject to the following conditions. The following conditions of approval shall be satisfied prior to certification by the Director of Development Services for occupancy or establishment of use allowed by this Conditional Use Permit:

PLANNING DIVISION

- 1 The Project Site shall be improved and maintained in accordance with the approved PCC-13-020 plans, which include a site plan and floor plans submitted September 17, 2013 on file in the Planning Division, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19)
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval

Signature of Property Owner

Date

Signature of Applicant

Date

3. The Applicant shall provide a letter from the property owner that documents that the owner has approved the use of 5 parking spaces for the project.
4. The Applicant shall obtain approval of a Sign Permit from the City for any proposed signs.
5. The maximum number of employees working on site at one time shall be three.
6. The project shall conduct a maximum of one training class at a time

7. The classes shall have a maximum size of 10 students.
8. Class shall be conducted during the hours of 10 am to 12:00 pm Monday through Friday, 3:00 pm to 9:00 pm Monday through Friday, 10 am to 4:00 pm Saturdays, and closed Sundays.
9. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.

BUILDING DIVISION

10. To remain in compliance with California Building Code and State of California handicapped accessibility requirements, the project shall comply with the following:
 - a. The project shall operate in compliance with the approved site plan and floor plan dated September 17, 2013.
 - b. Submittal of a building permit application is required for any change of the building occupancy type, or for structural or electrical work requiring compliance with the Ca. Building, Electrical or other applicable codes, to the satisfaction of the City Building Official.

LAND DEVELOPMENT DIVISION

11. In accordance with Section 12.24.040 of the Chula Vista Municipal Code, if a building permit is issued for the on-site work valued at more than \$51,100.00, then the Applicant shall be required to obtain a construction permit for:
 - a. Removal and replacement of any broken curb, gutter or sidewalk as determined by the Public Works Inspector
 - b. Removal and replacement of any driveways and pedestrian ramps that do not meet the City of Chula Vista's Design Standards and ADA requirements.
12. If submittal of a building permit is required, the proposed project shall be subject to Engineering Fees applicable at building permit stage. Since the project changes the land use, the Engineering Fees may be adjusted based on the difference between the existing and proposed uses, as described in Form 5509 – Development Checklist for Municipal Requirements. If a building permit is not required, these fees are not applicable.

FIRE DEPARTMENT

13. Prior to use or occupancy of the building, the Applicant shall operate the business in compliance with the 2010 or currently applicable California Building and Fire Codes, to the satisfaction of the Fire Marshal.

14. The suite shall be provided with a Knox Appliance Series 3200 at the main entrance of the suite.
15. If modifications are required to the automatic fire sprinkler system, a deferred submittal shall be required to be submitted to the Fire Department for review and approval prior to any modifications of the fire sprinkler system.
16. A single horn-strobe device, indicating fire alarm conditions, shall be installed in each suite. This suite requires two devices, one at the main entrance and one on the mezzanine. This new fire alarm notification device will require a deferred submittal, submitted to the Fire Department for review and approval prior to any modifications.

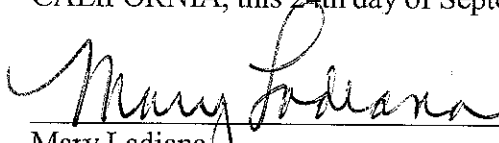
GENERAL/ADMINISTRATIVE

17. This permit shall expire five years after the date of approval, unless the applicant has previously applied for or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.
18. This Conditional Use Permit authorizes only the use specified in the application for PCC-13-020. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
19. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code.
20. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval of this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
21. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and

prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

22. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by the Zoning Administrator, Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.
23. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 24th day of September, 2013.



Mary Ladiana
Zoning Administrator